

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 08 CR 469
)	Judge Charles P. Kocoras
JASON R. HYATT)	

MOTION OF THE UNITED STATES FOR ENTRY OF
PRELIMINARY ORDER OF FORFEITURE

The UNITED STATES OF AMERICA, through PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, moves for entry of a preliminary order of forfeiture as to specific property pursuant to the provisions of Title 18, United States Code, Section 982(a)(2) and Fed. R. Crim. P. 32.2, and in support thereof submits the following:

1. On June 12, 2008, an indictment was returned charging defendant JASON R. HYATT with wire fraud in violation of 18 U.S.C. § 1343, among other violations.

2. The indictment sought forfeiture to the United States of certain property pursuant to the provisions of 18 U.S.C. § 982(a)(2).

3. On November 16, 2009, defendant JASON R. HYATT entered a voluntary plea of guilty to Counts One, Five, Eight, Nine, Ten and Eleven of the indictment, thereby making certain property subject to forfeiture pursuant to 18 U.S.C. § 982(a)(2) which states in part:

(a)(2) The court, in imposing sentence on a person convicted of a violation of . . . section 1343 of this title, affecting a financial institution . . . shall order that the person forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation.

4. As a result of his violation of 18 U.S.C. § 1343, to which defendant JASON R. HYATT pled guilty, the government requests that the Court order all property constituting, or derived from, proceeds the defendant obtained directly or indirectly, as a result of the violation,

including funds in the amount of \$1,570,000, forfeit to the United States pursuant to the provisions of 18 U.S.C. § 982(a)(2).

5. Pursuant to Fed. R. Crim. P. 32.2(b)(2)(B) as amended on December 1, 2009, unless doing so is impractical, the court must enter the preliminary order of forfeiture sufficiently in advance of sentencing to allow the parties to suggest revisions or modifications before the order becomes final as to the defendant at sentencing.

6. In accordance with this provision, the United States requests that this Court enter a preliminary order of forfeiture against defendant JASON R. HYATT as to the foregoing property.

7. Pursuant to the provisions of 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1), and Fed. R. Crim. P. 32.2, if any of the funds in the amount of the \$1,570,000 money judgment entered against defendant JASON R. HYATT as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value, or
- (e) has been commingled with other property which cannot be divided without difficulty;

the United States shall request that this Court order the forfeiture of any other property belonging to defendant JASON R. HYATT up to the value of \$1,570,000, in order to satisfy the money judgment entered by the Court.

8. The United States requests that the terms and conditions of this preliminary order of forfeiture entered by this Court be made part of the sentence imposed against defendant JASON R.

HYATT and included in any judgment and commitment order entered in this case against him.

WHEREFORE, pursuant to the provisions of 18 U.S.C. § 982(a)(2) and Fed. R. Crim. P. 32.2, the United States requests that this Court enter a preliminary order of forfeiture as to the foregoing property in accordance with the draft preliminary order of forfeiture which is submitting contemporaneously with this motion.

Dated: January 19, 2010

Respectfully submitted,

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